

In the Senate of the United States,

July 27, 2000.

Resolved, That the bill from the House of Representatives (H.R. 3244) entitled “An Act to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE.*—*This Act may be cited as the*

3 *“Trafficking Victims Protection Act of 2000”.*

1 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 2 *this Act is as follows:*

- Sec. 1. Short title; table of contents.*
- Sec. 2. Purposes and findings.*
- Sec. 3. Definitions.*
- Sec. 4. Annual Country Reports on Human Rights Practices.*
- Sec. 5. Interagency task force to monitor and combat trafficking.*
- Sec. 6. Prevention of trafficking.*
- Sec. 7. Protection and assistance for victims of trafficking.*
- Sec. 8. Minimum standards for the elimination of trafficking.*
- Sec. 9. Assistance to foreign countries to meet minimum standards.*
- Sec. 10. Actions against governments failing to meet minimum standards.*
- Sec. 11. Actions against traffickers in persons.*
- Sec. 12. Strengthening prosecution and punishment of traffickers.*
- Sec. 13. Authorization of appropriations.*

3 **SEC. 2. PURPOSES AND FINDINGS.**

4 (a) *PURPOSES.*—*The purposes of this Act are to com-*
 5 *bat trafficking in persons, a contemporary manifestation*
 6 *of slavery whose victims are predominantly women and*
 7 *children, to ensure just and effective punishment of traf-*
 8 *fickers, and to protect their victims.*

9 (b) *FINDINGS.*—*Congress finds that:*

10 (1) *As we begin the 21st century, the degrading*
 11 *institution of slavery continues throughout the world.*
 12 *Sex trafficking is a modern day form of slavery and*
 13 *it is the largest manifestation of slavery today. Mil-*
 14 *lions of people every year, primarily women and chil-*
 15 *dren, are trafficked within or across international*
 16 *borders. Approximately 50,000 women and children*
 17 *are trafficked into the United States each year.*

18 (2) *Many of these persons are trafficked into the*
 19 *international sex trade, often by force, fraud, or coer-*

1 *cion. The sex industry has rapidly expanded over the*
2 *past several decades. It involves sexual exploitation of*
3 *persons, predominantly women and girls, involving*
4 *activities related to prostitution, pornography, sex*
5 *tourism, and other commercial sexual services. The*
6 *low status of women in many parts of the world has*
7 *contributed to a burgeoning of the trafficking indus-*
8 *try.*

9 *(3) Trafficking in persons is not limited to the*
10 *sex industry. This growing transnational crime also*
11 *includes forced labor, and involves significant viola-*
12 *tions of minimal labor, public health, and human*
13 *rights standards worldwide.*

14 *(4) Traffickers primarily target women and*
15 *girls, who are disproportionately affected by poverty,*
16 *lack of access to education, chronic unemployment,*
17 *discrimination, and lack of viable economic opportu-*
18 *nities in countries of origin. Traffickers lure women*
19 *and girls into their networks through false promises*
20 *of decent working conditions at relatively good pay as*
21 *nannies, maids, dancers, factory workers, restaurant*
22 *workers, sales clerks, or models. Traffickers also buy*
23 *children from poor families and sell them into pros-*
24 *titution or into various types of forced or bonded*
25 *labor.*

1 (5) Traffickers often transport victims from their
2 home communities to unfamiliar destinations, includ-
3 ing different countries away from family and friends,
4 religious institutions, and other sources of protection
5 and support, leaving the victims defenseless and vul-
6 nerable.

7 (6) Victims are often forced through physical vio-
8 lence to engage in sex acts or perform slavery-like
9 labor. Such force includes rape and other forms of
10 sexual abuse, torture, starvation, imprisonment,
11 threats, psychological abuse, and coercion.

12 (7) Traffickers often make representations to
13 their victims that physical harm may occur to them
14 or others should they escape or attempt to escape.
15 Such threats can have the same coercive effects on vic-
16 tims as actual infliction of harm.

17 (8) Trafficking in persons is increasingly per-
18 petrated by organized, sophisticated criminal enter-
19 prises. Such trafficking is the fastest growing source
20 of profits for organized criminal enterprises world-
21 wide. Profits from the trafficking industry contribute
22 to the expansion of organized crime in the United
23 States and worldwide. Trafficking often is aided by
24 official corruption in countries of origin, transit, and
25 destination, thereby threatening the rule of law.

1 (9) *Trafficking includes all the elements of the*
2 *crime of forcible rape, when it involves the involun-*
3 *tary participation of another person in sex acts by*
4 *means of fraud, force, or coercion.*

5 (10) *Trafficking also involves violations of other*
6 *laws, including labor and immigration codes and*
7 *laws against kidnapping, slavery, false imprisonment,*
8 *assault, battery, pandering, fraud, and extortion.*

9 (11) *Trafficking exposes victims to serious health*
10 *risk. Women and children trafficked into the sex in-*
11 *dustry are exposed to deadly diseases, including HIV*
12 *and AIDS. Trafficking victims are sometimes worked*
13 *or physically brutalized to death.*

14 (12) *Trafficking in persons involving slavery-like*
15 *labor practices substantially affects interstate and for-*
16 *ign commerce. The United States must take action to*
17 *eradicate the substantial burdens on commerce that*
18 *result from trafficking in persons and to prevent the*
19 *channels of commerce from being used for immoral*
20 *and injurious purposes.*

21 (13) *Trafficking of persons is an evil requiring*
22 *concerted and vigorous action by countries of origin,*
23 *transit or destination, and by international organiza-*
24 *tions.*

1 (14) Existing legislation and law enforcement in
2 the United States and other countries are inadequate
3 to deter trafficking and bring traffickers to justice,
4 failing to reflect the gravity of the offenses involved.
5 No comprehensive law exists in the United States that
6 penalizes the range of offenses involved in the traf-
7 ficking scheme. Instead, even the most brutal in-
8 stances of trafficking into the sex industry are often
9 punished under laws that also apply to lesser offenses
10 such as consensual sexual activity and illegal immi-
11 gration, so that traffickers typically escape deserved
12 punishment.

13 (15) In the United States, the seriousness of this
14 crime and its components are not reflected in current
15 sentencing guidelines, resulting in weak penalties for
16 convicted traffickers. Additionally, adequate services
17 and facilities do not exist to meet the needs of health
18 care, housing, education, and legal assistance, which
19 safely reintegrate trafficking victims into their home
20 countries.

21 (16) In some countries, enforcement against traf-
22 fickers is also hindered by official indifference, by cor-
23 ruption, and sometimes even by official participation
24 in trafficking.

1 (17) *Existing laws often fail to protect victims*
2 *of trafficking, and because victims are often illegal*
3 *immigrants in the destination country, they are re-*
4 *peatedly punished more harshly than the traffickers*
5 *themselves.*

6 (18) *Victims of severe forms of trafficking should*
7 *not be inappropriately incarcerated, fined, or other-*
8 *wise penalized solely for unlawful acts as a direct re-*
9 *sult of being trafficked, such as for having used false*
10 *documents, entering the country without documenta-*
11 *tion, or working without documentation.*

12 (19) *Victims of trafficking often find it difficult*
13 *or impossible to report the crimes committed against*
14 *them or to assist in the investigation and prosecution*
15 *of such crimes. This is because they are frequently un-*
16 *familiar with the laws, culture, and language of the*
17 *countries into which they are trafficked. Also, they are*
18 *often subjected to coercion, intimidation, physical de-*
19 *tention, debt bondage, and fear of forcible removal to*
20 *countries where they face hardship.*

21 (20) *The United States and the international*
22 *community agree that trafficking in persons involves*
23 *grave violations of human rights and is a matter of*
24 *pressing international concern. The international*
25 *community has repeatedly condemned slavery and in-*

1 *voluntary servitude, violence against women, and*
2 *other elements of trafficking, through declarations,*
3 *treaties, United Nations resolutions and reports, in-*
4 *cluding the Universal Declaration of Human Rights;*
5 *the 1956 Supplementary Convention on the Abolition*
6 *of Slavery, the Slave Trade, and Institutions and*
7 *Practices Similar to Slavery; the 1957 Abolition of*
8 *Forced Labor Convention; the International Covenant*
9 *on Civil and Political Rights; the Convention on the*
10 *Elimination of All Forms of Discrimination Against*
11 *Women; the Convention Against Torture and Other*
12 *Cruel, Inhuman or Degrading Treatment or Punish-*
13 *ment; United Nations General Assembly Resolutions*
14 *50/167, 51/66, and 52/98; the Final Report of the*
15 *World Congress against Sexual Exploitation of Chil-*
16 *dren (Stockholm, 1996); the Fourth World Conference*
17 *on Women (Beijing, 1995); and the 1991 Moscow*
18 *Document of the Organization for Security and Co-*
19 *operation in Europe.*

20 *(21) Trafficking in persons is a transnational*
21 *crime with national implications. To deter inter-*
22 *national trafficking and bring its perpetrators to jus-*
23 *tice, nations including the United States must recog-*
24 *nize that trafficking is a serious offense. This is done*
25 *by prescribing appropriate punishment, giving pri-*

1 ority to the prosecution of trafficking offenses, and
2 protecting rather than punishing the victims of such
3 offenses. The United States must work bilaterally and
4 multilaterally to abolish the trafficking industry by
5 taking steps to promote cooperation among countries
6 linked together by international trafficking routes.
7 The United States must also urge the international
8 community to take strong action in multilateral fora
9 to engage recalcitrant countries in serious and sus-
10 tained efforts to eliminate trafficking and protect
11 trafficking victims.

12 (22) Trafficking in persons substantially affects
13 interstate and foreign commerce. Trafficking for such
14 purposes as involuntary servitude, peonage, and other
15 forms of forced labor has an impact on the nation-
16 wide employment network and labor market. Within
17 the context of slavery, servitude, and labor or services
18 which are obtained or maintained through coercive
19 conduct that amounts to a condition of servitude, vic-
20 tims are subjected to a range of violations.

21 (23) Involuntary servitude statutes are intended
22 to reach cases in which persons are held in a condi-
23 tion of servitude through nonviolent coercion. In
24 *United States v. Kozminski*, 487 U.S. 950 (1988), the
25 Supreme Court found that section 1584 of title 18,

1 *United States Code, should be narrowly interpreted,*
 2 *absent a definition of involuntary servitude by Con-*
 3 *gress. As a result, that section was interpreted to only*
 4 *criminalize servitude coerced through force, threats of*
 5 *force, or threats of legal coercion.*

6 **SEC. 3. DEFINITIONS.**

7 *In this Act:*

8 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
 9 *TEES.—The term “appropriate congressional commit-*
 10 *tees” means the Committee on Foreign Relations and*
 11 *the Committee on the Judiciary of the Senate and the*
 12 *Committee on International Relations and the Com-*
 13 *mittee on the Judiciary of the House of Representa-*
 14 *tives.*

15 (2) *COERCION.—The term “coercion” means—*
 16 (A) *acts or circumstances not necessarily*
 17 *including physical force but intended to have the*
 18 *same effect; or*

19 (B) *any act, scheme, plan, or pattern in-*
 20 *tended to cause a person to believe that failure*
 21 *to perform an act will result in the infliction of*
 22 *serious harm.*

23 (3) *COMMERCIAL SEX ACT.—The term “commer-*
 24 *cial sex act” means any sex act whereby anything of*
 25 *value is given to or received by any person.*

1 (4) *DEBT BONDAGE.*—The term “debt bondage”
2 means the status or condition of a debtor arising from
3 a pledge by the debtor of his or her personal services
4 or of those of a person under his or her control as a
5 security for debt, if the value of those services as rea-
6 sonably assessed is not applied toward the liquidation
7 of the debt or the length and nature of those services
8 are not respectively limited and defined.

9 (5) *INVOLUNTARY SERVITUDE.*—The term “invol-
10 untary servitude” includes a condition of servitude
11 induced by means of—

12 (A) any act, scheme, plan, or pattern in-
13 tended to cause a person to believe that, if the
14 person did not enter into or continue in such
15 condition, that person or another person would
16 suffer serious harm or physical restraint, or

17 (B) the abuse or threatened abuse of the
18 legal process.

19 (6) *MINIMUM STANDARDS FOR THE ELIMINATION*
20 *OF TRAFFICKING.*—The term “minimum standards
21 for the elimination of trafficking” means the stand-
22 ards set forth in section 8.

23 (7) *SEVERE FORMS OF TRAFFICKING IN PER-*
24 *SONS.*—The term “severe forms of trafficking in per-
25 sons” means—

1 (A) *sex trafficking in which a commercial*
2 *sex act is induced by force, fraud, or coercion, or*
3 *in which the person induced to perform such act*
4 *has not attained 18 years of age; or*

5 (B) *the recruitment, harboring, transpor-*
6 *tation, provision, or obtaining of a person for*
7 *labor or services, through the use of force, fraud,*
8 *or coercion for the purpose of subjection to invol-*
9 *untary servitude, peonage, debt bondage, or slav-*
10 *ery.*

11 (8) *SEX TRAFFICKING.*—*The term “sex traf-*
12 *ficking” means the recruitment, harboring, transpor-*
13 *tation, provision, or obtaining of a person for the*
14 *purpose of a commercial sex act.*

15 (9) *STATE.*—*The term “State” means any of the*
16 *fifty States of the United States, the District of Co-*
17 *lumbia, the Commonwealth of Puerto Rico, the Virgin*
18 *Islands, American Samoa, Guam, the Commonwealth*
19 *of the Northern Mariana Islands, and territories and*
20 *possessions of the United States.*

21 (10) *UNITED STATES.*—*The term “United*
22 *States” means the fifty States of the United States,*
23 *the District of Columbia, the Commonwealth of Puer-*
24 *to Rico, the Virgin Islands, American Samoa, Guam,*
25 *the Commonwealth of the Northern Mariana Islands,*

1 *and the territories and possessions of the United*
2 *States.*

3 (11) *VICTIM OF TRAFFICKING.—The term “vic-*
4 *tim of trafficking” means a person subjected to an act*
5 *or practice described in paragraph (7) or (8).*

6 (12) *VICTIM OF A SEVERE FORM OF TRAF-*
7 *FICKING.—The term “victim of a severe form of traf-*
8 *ficking” means a person subject to an act or practice*
9 *described in paragraph (7).*

10 **SEC. 4. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**
11 **PRACTICES.**

12 *The Secretary of State, with the assistance of the As-*
13 *sistant Secretary of Democracy, Human Rights and Labor,*
14 *shall, as part of the annual Country Reports on Human*
15 *Rights Practices, include information on the status of traf-*
16 *ficking in persons, including the following information:*

17 (1) *A description of the nature and extent of se-*
18 *vere forms of trafficking in persons in each country.*

19 (2) *An assessment of the efforts by the govern-*
20 *ments described in paragraph (1) to combat severe*
21 *forms of trafficking. Such an assessment shall*
22 *address—*

23 (A) *whether any governmental authorities*
24 *tolerate or are involved in such trafficking;*

1 (B) which governmental authorities are in-
2 volved in activities to combat such trafficking;

3 (C) what steps the government has taken
4 against its officials who participate in, facili-
5 tate, or condone such trafficking;

6 (D) what steps the government has taken to
7 investigate and prosecute officials who partici-
8 pate in or facilitate such trafficking;

9 (E) what steps the government has taken to
10 prohibit other individuals from participating in
11 such trafficking, including the investigation,
12 prosecution, and conviction of individuals in-
13 volved in severe forms of trafficking in persons,
14 the criminal and civil penalties for such traf-
15 ficking, and the efficacy of those penalties in
16 eliminating or reducing such trafficking;

17 (F) what steps the government has taken to
18 assist victims of such trafficking, including ef-
19 forts to prevent victims from being further vic-
20 timized by traffickers, government officials, or
21 others, grants of stays of deportation, and provi-
22 sion of humanitarian relief, including provision
23 of mental and physical health care and shelter;

24 (G) whether the government—

1 (i) is cooperating with governments of
2 other countries to extradite traffickers when
3 requested;

4 (ii) is assisting in international inves-
5 tigations of transnational trafficking net-
6 works and in other cooperative efforts to
7 combat trafficking;

8 (iii) refrains from prosecuting victims
9 of severe forms of trafficking and from other
10 discriminatory treatment of such victims
11 due to such victims having been trafficked,
12 or due to their having left or entered the
13 country illegally; and

14 (iv) recognizes the rights of victims
15 and ensures their access to justice.

16 (3) Information described in paragraph (2) and,
17 where appropriate, in paragraph (3) shall be included
18 in the annual Country Reports on Human Rights
19 Practices on a country-by-country basis.

20 (4) In addition to the information described in
21 this section, the Annual Country Reports on Human
22 Rights Practices may contain such other information
23 relating to trafficking in persons as the Secretary de-
24 termines to be appropriate.

1 **SEC. 5. INTERAGENCY TASK FORCE TO MONITOR AND COM-**
2 **BAT TRAFFICKING.**

3 (a) *ESTABLISHMENT.*—*The President shall establish*
4 *an Interagency Task Force to Monitor and Combat Traf-*
5 *ficking (in this Act referred to as the “Task Force”).*

6 (b) *APPOINTMENT.*—*The President shall appoint the*
7 *members of the Task Force, which shall include the Sec-*
8 *retary of State, the Administrator of the United States*
9 *Agency for International Development, the Attorney Gen-*
10 *eral, the Secretary of Labor, the Secretary of Health and*
11 *Human Services, the Director of Central Intelligence, and*
12 *such other officials as may be designated by the President.*

13 (c) *CHAIRMAN.*—*The Task Force shall be chaired by*
14 *the Secretary of State.*

15 (d) *SUPPORT FOR THE TASK FORCE.*—*The Secretary*
16 *of State is authorized to establish within the Department*
17 *of State an Office to Monitor and Combat Trafficking,*
18 *which shall provide assistance to the Task Force. Any such*
19 *Office shall be headed by a Director. The Director shall have*
20 *the primary responsibility for assisting the Secretary of*
21 *State in carrying out the purposes of this Act and may*
22 *have additional responsibilities as determined by the Sec-*
23 *retary. The Director shall consult with domestic, inter-*
24 *national nongovernmental organizations, and multilateral*
25 *organizations, including the Organization of American*
26 *States, the Organization for Security and Cooperation in*

1 *Europe, and the United Nations, and with trafficking vic-*
2 *tims or other affected persons. The Director shall have the*
3 *authority to take evidence in public hearings or by other*
4 *means. The Office is authorized to retain staff members*
5 *from agencies represented on the Task Force.*

6 (e) *ACTIVITIES OF THE TASK FORCE.—In consultation*
7 *with nongovernmental organizations, the Task Force shall*
8 *carry out the following activities:*

9 (1) *Coordinate the implementation of this Act.*

10 (2) *Measure and evaluate progress of the United*
11 *States and other countries in the areas of trafficking*
12 *prevention, protection and assistance to victims of*
13 *trafficking, and prosecution and enforcement against*
14 *traffickers, including the role of public corruption in*
15 *facilitating trafficking. Beginning in 2002, not later*
16 *than June 1 of each year, identify and publish the*
17 *names of those countries which do not meet the min-*
18 *imum standards set forth in section 8.*

19 (3) *Expand interagency procedures to collect and*
20 *organize data, including significant research and re-*
21 *source information on domestic and international*
22 *trafficking. Any data collection procedures established*
23 *under this subsection shall respect the confidentiality*
24 *of victims of trafficking.*

1 (4) *Engage in efforts to facilitate cooperation*
2 *among countries of origin, transit, and destination.*
3 *Such efforts shall aim to strengthen local and regional*
4 *capacities to prevent trafficking, prosecute traffickers*
5 *and assist trafficking victims, and shall include ini-*
6 *tiatives to enhance cooperative efforts between destina-*
7 *tion countries and countries of origin and assist in*
8 *the appropriate reintegration of stateless victims of*
9 *trafficking.*

10 (5) *Examine the role of the international “sex*
11 *tourism” industry in the trafficking of persons and in*
12 *the sexual exploitation of women and children around*
13 *the world.*

14 (6) *Engage in advocacy, with governmental and*
15 *nongovernmental organizations, among other entities,*
16 *to advance the purposes of this Act.*

17 (f) *INTERIM REPORTS.—In addition to the list pro-*
18 *vided under subsection (e)(2), the Secretary of State, in the*
19 *capacity as chair of the Interagency Task Force, may sub-*
20 *mit to the appropriate congressional committees one or*
21 *more interim reports with respect to the status of severe*
22 *forms of trafficking in persons, including information about*
23 *countries whose governments have come into or out of com-*
24 *pliance with the minimum standards for the elimination*

1 of trafficking since the transmission of the last annual re-
 2 port.

3 **SEC. 6. PREVENTION OF TRAFFICKING.**

4 (a) *ECONOMIC ALTERNATIVES TO PREVENT AND*
 5 *DETER TRAFFICKING.*—*The President, acting through the*
 6 *Administrator of the United States Agency for Inter-*
 7 *national Development and the heads of other appropriate*
 8 *agencies, shall establish and carry out international initia-*
 9 *tives to enhance economic opportunity for potential victims*
 10 *of trafficking as a method to deter trafficking. Such initia-*
 11 *tives may include—*

12 (1) *microcredit lending programs, training in*
 13 *business development, skills training, and job coun-*
 14 *seling;*

15 (2) *programs to promote women’s participation*
 16 *in economic decisionmaking;*

17 (3) *programs to keep children, especially girls, in*
 18 *elementary and secondary schools, and to educate*
 19 *children, women, and men who have been victims of*
 20 *trafficking;*

21 (4) *development of educational curricula regard-*
 22 *ing the dangers of trafficking; and*

23 (5) *grants to nongovernmental organizations to*
 24 *accelerate and advance the political, economic, social,*

1 *and educational roles and capacities of women in*
2 *their countries.*

3 (b) *PUBLIC AWARENESS AND INFORMATION.*—*The*
4 *President, acting through the Secretary of Labor, the Sec-*
5 *retary of Health and Human Services, the Attorney Gen-*
6 *eral, and the Secretary of State, shall establish and carry*
7 *out programs to increase public awareness, particularly*
8 *among potential victims of trafficking, of the dangers of*
9 *trafficking and the protections that are available for victims*
10 *of trafficking.*

11 (c) *CONSULTATION REQUIREMENT.*—*The President*
12 *shall consult with appropriate nongovernmental organiza-*
13 *tions with respect to the establishment and conduct of ini-*
14 *tiatives described in subsections (a) and (b).*

15 **SEC. 7. PROTECTION AND ASSISTANCE FOR VICTIMS OF**
16 **TRAFFICKING.**

17 (a) *ASSISTANCE FOR VICTIMS IN OTHER COUN-*
18 *TRIES.*—

19 (1) *IN GENERAL.*—*The Secretary of State and*
20 *the Administrator of the United States Agency for*
21 *International Development, in consultation with ap-*
22 *propriate nongovernmental organizations, shall estab-*
23 *lish and carry out programs and initiatives in for-*
24 *eign countries to assist in the safe integration, re-*
25 *integration, or resettlement, as appropriate, of vic-*

1 *tims of trafficking. Such programs and initiatives*
2 *shall be designed to meet the appropriate assistance*
3 *needs of such persons and their children, as identified*
4 *by the Inter-Agency Task Force to Monitor and Com-*
5 *bat Trafficking established under section 5.*

6 (2) *ADDITIONAL REQUIREMENT.—In establishing*
7 *and conducting programs and initiatives described in*
8 *paragraph (1), the Secretary of State and the Admin-*
9 *istrator of the United States Agency for International*
10 *Development shall take all appropriate steps to en-*
11 *hance cooperative efforts among foreign countries, in-*
12 *cluding countries of origin of victims of trafficking, to*
13 *assist in the integration, reintegration, or resettlement,*
14 *as appropriate, of victims of trafficking includ-*
15 *ing stateless victims.*

16 (b) *VICTIMS IN THE UNITED STATES.—*

17 (1) *ASSISTANCE.—Subject to the availability of*
18 *appropriations and notwithstanding title IV of the*
19 *Personal Responsibility and Work Opportunity Rec-*
20 *onciliation Act of 1996, the Attorney General, the*
21 *Secretary of Health and Human Services, the Sec-*
22 *retary of Labor, the heads of other Federal agencies,*
23 *and the Board of Directors of the Legal Services Cor-*
24 *poration shall expand existing services to provide as-*
25 *sistance to victims of severe forms of trafficking in*

1 *persons within the United States, without regard to*
2 *the immigration status of such victims.*

3 (2) *GRANTS.—*

4 (A) *Subject to the availability of appropri-*
5 *tions, the Attorney General may make grants to*
6 *States, territories, and possessions of the United*
7 *States, Indian tribes, units of local government,*
8 *and nonprofit, nongovernmental victims' service*
9 *organizations to develop, expand, or strengthen*
10 *victim service programs for victims of traf-*
11 *ficking.*

12 (B) *Of amounts made available for grants*
13 *under this paragraph, there shall be set aside 3*
14 *percent for research, evaluation and statistics; 2*
15 *percent for training and technical assistance;*
16 *and 1 percent for management and administra-*
17 *tion.*

18 (C) *The Federal share of a grant made*
19 *under this paragraph may not exceed 75 percent*
20 *of the total costs of the projects described in the*
21 *application submitted.*

22 (c) *TRAFFICKING VICTIM REGULATIONS.—Not later*
23 *than 180 days after the date of enactment of this Act, the*
24 *Attorney General and the Secretary of State shall promul-*
25 *gate regulations for law enforcement personnel, immigra-*

1 *tion officials, and Department of State officials to imple-*
2 *ment the following:*

3 *(1) Victims of severe forms of trafficking, while*
4 *in the custody of the Federal Government and to the*
5 *extent practicable, shall—*

6 *(A) not be detained in facilities inappro-*
7 *priate to their status as crime victims;*

8 *(B) receive necessary medical care and other*
9 *assistance; and*

10 *(C) be provided protection if a victim's safe-*
11 *ty is at risk or if there is danger of additional*
12 *harm by recapture of the victim by a trafficker,*
13 *including—*

14 *(i) taking measures to protect traf-*
15 *ficked persons and their family members*
16 *from intimidation and threats of reprisals*
17 *and reprisals from traffickers and their as-*
18 *sociates; and*

19 *(ii) ensuring that the names and iden-*
20 *tifying information of trafficked persons*
21 *and their family members are not disclosed*
22 *to the public.*

23 *(2) Victims of severe forms of trafficking shall*
24 *have access to information about their rights and*
25 *translation services.*

1 (3) *Federal law enforcement officials may act to*
2 *permit an alien individual's continued presence in*
3 *the United States, if after an assessment, it is deter-*
4 *mined that such individual is a victim of trafficking*
5 *and a potential witness, in order to effectuate pros-*
6 *ecution of those responsible, and such officials in in-*
7 *vestigating and prosecuting traffickers shall protect*
8 *the safety of trafficking victims, including taking*
9 *measures to protect trafficked persons and their fam-*
10 *ily members from intimidation, threats of reprisals*
11 *and reprisals from traffickers and their associates.*

12 (4) *Appropriate personnel of the Department of*
13 *State and the Department of Justice are trained in*
14 *identifying victims of severe forms of trafficking and*
15 *providing for the protection of such victims.*

16 (d) *CONSTRUCTION.*—*Nothing in subsection (c) shall*
17 *be construed as creating any private cause of action against*
18 *the United States or its officers or employees.*

19 (e) *PROTECTION FROM REMOVAL FOR CERTAIN CRIME*
20 *VICTIMS.*—*Section 101(a)(15) of the Immigration and Na-*
21 *tionality Act (8 U.S.C. 1101(a)(15)) is amended—*

22 (1) *by striking “or” at the end of subparagraph*
23 *(R);*

24 (2) *by striking the period at the end of subpara-*
25 *graph (S) and inserting “; or”; and*

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(T)(i) subject to subsection (m), an alien
4 who the Attorney General determines—

5 “(I) is or has been a victim of a severe
6 form of trafficking in persons as defined in
7 section 3 of the Trafficking Victims Protec-
8 tion Act of 2000,

9 “(II) is physically present in the
10 United States, American Samoa, or the
11 Commonwealth of the Northern Mariana Is-
12 lands, or at a port of entry thereto on ac-
13 count of such trafficking,

14 “(III)(aa) has complied with any rea-
15 sonable request for assistance in the inves-
16 tigation or prosecution of acts of trafficking,
17 or

18 “(bb) has not attained the age of 14
19 years, and

20 “(IV) the alien would suffer extreme
21 hardship upon removal from the United
22 States,

23 except that no person shall be eligible for admis-
24 sion to the United States under this subpara-
25 graph if there is substantial reason to believe

1 *that the person has committed an act of a severe*
 2 *form of trafficking in persons, as defined in sec-*
 3 *tion 3 of the Trafficking Victims Protection Act*
 4 *of 2000; and*

5 *“(i) if the Attorney General considers it*
 6 *necessary to avoid extreme hardship—*

7 *“(I) in the case of an alien described*
 8 *in clause (i) who is under 21 years of age,*
 9 *the spouse, children, and parents of such*
 10 *alien; and*

11 *“(II) in the case of an alien described*
 12 *in clause (i) who is 21 years of age or older,*
 13 *the minor children of such alien,*
 14 *if accompanying, or following to join, the alien*
 15 *described in clause (i).*

16 *(2) DUTIES OF THE ATTORNEY GENERAL WITH*
 17 *RESPECT TO “T” VISA NONIMMIGRANTS.—Section 101*
 18 *of the Immigration and Nationality Act (8 U.S.C.*
 19 *1101) is amended by adding at the end the following*
 20 *new subsection:*

21 *“(i) With respect to nonimmigrant aliens described in*
 22 *subsection (a)(15)(T)(i)—*

23 *“(1) the Attorney General and other government*
 24 *officials, where appropriate, shall provide those aliens*
 25 *with referrals to nongovernmental organizations that*

1 *would advise the aliens regarding their options while*
2 *in the United States and the resources available to*
3 *them; and*

4 “(2) *the Attorney General shall, during the pe-*
5 *riod those aliens are in lawful temporary resident*
6 *status under that subsection, grant the aliens author-*
7 *ization to engage in employment in the United States*
8 *and provide the aliens with an ‘employment author-*
9 *ized’ endorsement or other appropriate work permit.”.*

10 (3) *WAIVER OF GROUNDS FOR INELIGIBILITY FOR*
11 *ADMISSION.—Section 212(d) of the Immigration and*
12 *Nationality Act (8 U.S.C. 1182(d)) is amended by*
13 *adding at the end the following new paragraph:*

14 “(13) *The Attorney General shall determine whether*
15 *a ground for inadmissibility exists with respect to a non-*
16 *immigrant described in section 101(a)(15)(T)(i). The Attor-*
17 *ney General, in the Attorney General’s discretion, may*
18 *waive the application of subsection (a) (other than para-*
19 *graph (3)(E)) in the case of a nonimmigrant described in*
20 *section 101(a)(15)(T)(i), if the Attorney General considers*
21 *it to be in the national interest to do so. Nothing in this*
22 *section shall be regarded as prohibiting the Attorney Gen-*
23 *eral from instituting removal proceedings against an alien*
24 *admitted as a nonimmigrant under section*
25 *101(a)(15)(T)(i) for material nontrafficking related con-*

1 *duct committed after the alien’s admission into the United*
 2 *States, or for material nontrafficking related conduct or a*
 3 *condition that was not disclosed to the Attorney General*
 4 *prior to the alien’s admission as a nonimmigrant under*
 5 *section 101(a)(15)(T)(i).”.*

6 *(f) ADJUSTMENT TO PERMANENT RESIDENT STA-*
 7 *TUS.—Section 245 of such Act (8 U.S.C 1255) is amended*
 8 *by adding at the end the following new subsection:*

9 *“(l)(1) If, in the opinion of the Attorney General, a*
 10 *nonimmigrant admitted into the United States under sec-*
 11 *tion 101(a)(15)(T)(i)—*

12 *“(A) has been physically present in the United*
 13 *States for a continuous period of at least 3 years*
 14 *since the date of admission as a nonimmigrant under*
 15 *section 101(a)(15)(T)(i),*

16 *“(B) has, throughout such period, been a person*
 17 *of good moral character, and*

18 *“(C)(i) has, during such period, complied with*
 19 *any reasonable request for assistance in the investiga-*
 20 *tion or prosecution of acts of trafficking, or*

21 *“(ii) the alien would suffer extreme hardship*
 22 *upon removal from the United States,*

23 *the Attorney General may adjust the status of the alien (and*
 24 *any other alien admitted under that section) to that of an*

1 alien lawfully admitted for permanent residence if the alien
2 is not described in section 212(a)(3)(E).

3 “(2) An alien shall be considered to have failed to
4 maintain continuous physical presence in the United States
5 under paragraph (1)(A) if the alien has departed from the
6 United States for any period in excess of 90 days or for
7 any periods in the aggregate exceeding 180 days.

8 “(3) Upon the approval of adjustment of status under
9 paragraph (1), the Attorney General shall record the alien’s
10 lawful admission for permanent residence as of the date of
11 such approval.”.

12 **SEC. 8. MINIMUM STANDARDS FOR THE ELIMINATION OF**
13 **TRAFFICKING.**

14 (a) *MINIMUM STANDARDS.*—For purposes of this Act,
15 the minimum standards for the elimination of trafficking
16 for a country that is a country of origin, transit, or destina-
17 tion for a significant number of victims are the following
18 standards:

19 (1) The country should prohibit severe forms of
20 trafficking in persons and punish acts of such traf-
21 ficking.

22 (2) For the knowing commission of any act of
23 sex trafficking involving force, fraud, coercion, or in
24 which the victim of sex trafficking is a child incapa-
25 ble of giving meaningful consent, or of trafficking

1 *which includes rape or kidnapping or which causes a*
2 *death, the country should prescribe punishment com-*
3 *mensurate with that for the most serious crimes, such*
4 *as forcible sexual assault.*

5 *(3) For the knowing commission of any act of a*
6 *severe form of trafficking in persons, the country*
7 *should prescribe punishment which is sufficiently*
8 *stringent to deter and which adequately reflects the*
9 *heinous nature of the offense.*

10 *(4) The country should make serious and sus-*
11 *tained efforts to eliminate severe forms of trafficking*
12 *in persons.*

13 *(b) CRITERIA.—In determinations of whether a coun-*
14 *try is making serious and sustained efforts under subsection*
15 *(a)(4), the following factors should be considered as indicia*
16 *of a good faith effort to eliminate severe forms of trafficking*
17 *in persons:*

18 *(1) Whether the country vigorously investigates*
19 *and prosecutes acts of severe forms of trafficking in*
20 *persons that take place wholly or partly within the*
21 *territory of the country.*

22 *(2) Whether the country cooperates with other*
23 *countries in the investigation and prosecution of se-*
24 *vere forms of trafficking in persons.*

1 (3) Whether the country extradites persons
2 charged with acts of severe forms of trafficking in per-
3 sons on the same terms and to the same extent as per-
4 sons charged with other serious crimes.

5 (4) Whether the country monitors immigration
6 and emigration patterns for evidence of severe forms
7 of trafficking in persons and whether law enforcement
8 agencies of the country respond to any such evidence
9 in a manner which is consistent with the vigorous in-
10 vestigation and prosecution of acts of such trafficking,
11 as well as with the protection of human rights of vic-
12 tims and the internationally recognized human right
13 to leave and return to one's own country.

14 (5) Whether the country protects victims of severe
15 forms of trafficking in persons and encourages their
16 assistance in the investigation and prosecution of
17 such trafficking, including provision for legal alter-
18 natives to their removal to countries in which they
19 would face retribution or other hardship.

20 (6) Whether the country vigorously investigates
21 and prosecutes public officials who participate in or
22 facilitate severe forms of trafficking in persons, and
23 takes all appropriate measures against officials who
24 condone such trafficking.

1 **SEC. 9. ASSISTANCE TO FOREIGN COUNTRIES TO MEET**
2 **MINIMUM STANDARDS.**

3 *The Secretary of State and the Administrator of the*
4 *United States Agency for International Development are*
5 *authorized to provide assistance to foreign countries di-*
6 *rectly, or through nongovernmental, intergovernmental and*
7 *multilateral organizations, for programs and activities de-*
8 *signed to meet the minimum international standards for*
9 *the elimination of trafficking, including drafting of legisla-*
10 *tion to prohibit and punish acts of trafficking, the inves-*
11 *tigation and prosecution of traffickers, the creation and*
12 *maintenance of facilities, programs, and activities for the*
13 *protection of victims, and the expansion of exchange pro-*
14 *grams and international visitor programs for governmental*
15 *and nongovernmental personnel to combat trafficking.*

16 **SEC. 10. ACTIONS AGAINST GOVERNMENTS FAILING TO**
17 **MEET MINIMUM STANDARDS.**

18 *(a) AUTHORITY TO IMPOSE SANCTIONS.—The Presi-*
19 *dent may impose any of the measures described in sub-*
20 *section (b) against any foreign country to which the min-*
21 *imum standards for the elimination of trafficking under*
22 *section 8 are applicable and which do not meet such stand-*
23 *ards. The President shall exercise the authority of this sub-*
24 *section so as to avoid adverse effects on vulnerable popu-*
25 *lations, including women and children.*

1 (b) *SANCTIONS THAT MAY BE IMPOSED.*—*The meas-*
 2 *ures described in this subsection are the following:*

3 (1) *FOREIGN ASSISTANCE.*—

4 (A) *IN GENERAL.*—*Subject to subparagraph*
 5 *(B), the President may deny to the country as-*
 6 *sistance of any kind which is provided by grant,*
 7 *sale, loan, lease, credit, guaranty, or insurance,*
 8 *or by any other means, by any agency or instru-*
 9 *mentality of the United States Government. The*
 10 *President may exercise the authority of this sub-*
 11 *paragraph with respect to all foreign assistance*
 12 *to a country or with respect to any specific pro-*
 13 *grams, projects, or activities.*

14 (B) *EXCEPTION.*—*Subparagraph (A) shall*
 15 *not apply to assistance under the Foreign Assist-*
 16 *ance Act of 1961 (22 U.S.C. 2151 et seq.), or any*
 17 *successor provision of law, or the Arms Export*
 18 *Control Act (22 U.S.C. 2751 et seq.) that is in-*
 19 *tended to benefit the people of that country di-*
 20 *rectly and that is not channeled through govern-*
 21 *mental agencies or entities of that country.*

22 (2) *MULTILATERAL DEVELOPMENT BANK ASSIST-*
 23 *ANCE.*—

24 (A) *IN GENERAL.*—*The President may in-*
 25 *struct the United States Executive Director to*

1 *each international financial institution described*
2 *in subparagraph (B) to use the voice and vote of*
3 *the United States to oppose any loan or finan-*
4 *cial or technical assistance to the country by*
5 *such international financial institution.*

6 (B) *INTERNATIONAL FINANCIAL INSTITU-*
7 *TIONS DESCRIBED.—The international financial*
8 *institutions described in this subparagraph are*
9 *the International Bank for Reconstruction and*
10 *Development, the International Development As-*
11 *sociation, the International Finance Corpora-*
12 *tion, the Inter-American Development Bank, the*
13 *African Development Bank, the European Bank*
14 *for Reconstruction and Development, and the*
15 *International Monetary Fund.*

16 (3) *PROHIBITION OF ARMS SALES.—The Presi-*
17 *dent may prohibit the transfer of defense articles, de-*
18 *fense services, or design and construction services*
19 *under the Arms Export Control Act (22 U.S.C. 2751*
20 *et seq.), including defense articles and defense services*
21 *licensed or approved for export under section 38 of*
22 *that Act (22 U.S.C. 2778), to the country or any na-*
23 *tional of the country.*

24 (4) *EXPORT RESTRICTIONS.—The President may*
25 *prohibit or otherwise substantially restrict exports to*

1 *the country of goods, technology, and services (exclud-*
 2 *ing agricultural commodities and products otherwise*
 3 *subject to control) and may suspend existing licenses*
 4 *for the transfer to that person of items the export of*
 5 *which is controlled under the Export Administration*
 6 *Act of 1979 or the Export Administration Regula-*
 7 *tions.*

8 (c) *REPORT TO CONGRESS.*—*Upon exercising the au-*
 9 *thority of subsection (a), the President shall submit a report*
 10 *to Congress on the measures applied under this section and*
 11 *the reasons for the application of the measures.*

12 **SEC. 11. ACTIONS AGAINST TRAFFICKERS IN PERSONS.**

13 (a) *AUTHORITY TO SANCTION TRAFFICKERS IN PER-*
 14 *SONS.*—

15 (1) *IN GENERAL.*—*The President may exercise*
 16 *IEEPA authorities (other than authorities relating to*
 17 *importation) without regard to section 202 of the*
 18 *International Emergency Economic Powers Act (50*
 19 *U.S.C. 1701) in the case of any foreign person who*
 20 *is on the list described in subsection (b).*

21 (2) *PENALTIES.*—*The penalties set forth in sec-*
 22 *tion 206 of the International Emergency Economic*
 23 *Powers Act (50 U.S.C. 1705) apply to violations of*
 24 *any license, order, or regulation issued under para-*
 25 *graph (1).*

1 (3) *IEEPA AUTHORITIES.*—For purposes of
2 *clause (i), the term “IEEPA authorities” means the*
3 *authorities set forth in section 203(a) of the Inter-*
4 *national Emergency Economic Powers Act (50 U.S.C.*
5 *1702(a)).*

6 (b) *LIST OF TRAFFICKERS OF PERSONS.*—

7 (1) *COMPILING LIST OF TRAFFICKERS IN PER-*
8 *SONS.*—The Secretary of State is authorized to com-
9 *pile a list of the following persons:*

10 (A) *Any foreign person that plays a signifi-*
11 *cant role in a severe form of trafficking in per-*
12 *sons, directly or indirectly in the United States*
13 *or any of its territories or possessions.*

14 (B) *Foreign persons who materially assist*
15 *in, or provide financial or technological support*
16 *for or to, or providing goods or services in sup-*
17 *port of, activities of a significant foreign traf-*
18 *ficker in persons identified pursuant to subpara-*
19 *graph (A).*

20 (C) *Foreign persons that are owned, con-*
21 *trolled, or directed by, or acting for or on behalf*
22 *of, a significant foreign trafficker so identified*
23 *pursuant to subparagraph (A).*

24 (2) *REVISIONS TO LIST.*—The Secretary of State
25 *shall make additions or deletions to any list compiled*

1 under paragraph (1) on an ongoing basis based on
2 the latest information available.

3 (3) *CONSULTATION.*—The Secretary of State
4 shall consult with the following officers in carrying
5 out paragraphs (1) and (2).

6 (A) *The Attorney General.*

7 (B) *The Director of Central Intelligence.*

8 (C) *The Director of the Federal Bureau of*
9 *Investigation.*

10 (D) *The Secretary of Labor.*

11 (E) *The Secretary of Health and Human*
12 *Services.*

13 (4) *PUBLICATION OF LIST.*—Upon compiling the
14 list referred to in paragraph (1) and within 30 days
15 of any revisions to such list, the Secretary of State
16 shall submit the list or revisions to such list to the
17 Committees on the International Relations and Judi-
18 ciary and the Permanent Select Committee on Intel-
19 ligence of the House of Representatives; and to the
20 Committees on Foreign Relations, the Judiciary, and
21 the Select Committee on Intelligence of the Senate;
22 and publish the list or revisions to such list in the
23 Federal Register after such persons on the list have
24 admitted, been convicted, or been formally found to

1 *have participated in the acts described in paragraph*
2 *(1) (A), (B), and (C).*

3 *(c) REPORT TO CONGRESS ON IDENTIFICATION AND*
4 *SANCTIONING OF TRAFFICKERS IN PERSONS.—Upon exer-*
5 *cising the authority of subsection (a), the President shall*
6 *submit a report to the Committees on the International Re-*
7 *lations and the Judiciary, and the Permanent Select Com-*
8 *mittee on Intelligence of the House of Representatives and*
9 *to the Committees on Foreign Relations and the Judiciary,*
10 *and the Select Committee on Intelligence of the Senate—*

11 *(1) identifying publicly the foreign persons from*
12 *the list published under subsection (b)(4) that the*
13 *President determines are appropriate for sanctions*
14 *pursuant to this section; and*

15 *(2) detailing publicly the sanctions imposed pur-*
16 *suant to this section.*

17 *(d) EXCLUSION OF CERTAIN INFORMATION.—*

18 *(1) INTELLIGENCE.—Notwithstanding any other*
19 *provision of this section, the list and report described*
20 *in subsections (b) and (c) shall not disclose the iden-*
21 *tity of any person, if the Director of Central Intel-*
22 *ligence determines that such disclosure could com-*
23 *promise an intelligence operation, activity, source, or*
24 *method of the United States.*

1 (2) *LAW ENFORCEMENT.*—*Notwithstanding any*
2 *other provision of this section, the list and report de-*
3 *scribed in subsections (b) and (c) shall not disclose the*
4 *name of any person if the Attorney General, in co-*
5 *ordination as appropriate with the Director of the*
6 *Federal Bureau of Investigation, the Administrator of*
7 *the Drug Enforcement Administration, and the Sec-*
8 *retary of the Treasury, determines that such disclo-*
9 *sure could reasonably be expected to—*

10 (A) *compromise the identity of a confiden-*
11 *tial source, including a State, local, or foreign*
12 *agency or authority or any private institution*
13 *that furnished information on a confidential*
14 *basis;*

15 (B) *jeopardize the integrity or success of an*
16 *ongoing criminal investigation or prosecution;*

17 (C) *endanger the life or physical safety of*
18 *any person; or*

19 (D) *cause substantial harm to physical*
20 *property.*

21 (3) *NOTIFICATION REQUIRED.*—(A) *Whenever ei-*
22 *ther the Director of Central Intelligence or the Attor-*
23 *ney General makes a determination under this sub-*
24 *section, the Director of Central Intelligence or the At-*
25 *torney General shall notify the Permanent Select*

1 *Committee on Intelligence of the House of Representa-*
 2 *tives and the Select Committee on Intelligence of the*
 3 *Senate, and explain the reasons for such determina-*
 4 *tion.*

5 *(B) The notification required under this para-*
 6 *graph shall be submitted to the Permanent Select*
 7 *Committee on Intelligence of the House of Representa-*
 8 *tives and the Select Committee on Intelligence of the*
 9 *Senate not later than July 1, 2001, and on an an-*
 10 *annual basis thereafter.*

11 *(e) LAW ENFORCEMENT AND INTELLIGENCE ACTIVI-*
 12 *TIES NOT AFFECTED.—Nothing in this section prohibits or*
 13 *otherwise limits the authorized law enforcement or intel-*
 14 *ligence activities of the United States or the law enforce-*
 15 *ment activities of any State or subdivision thereof.*

16 *(f) EXCLUSION OF PERSONS WHO HAVE BENEFITED*
 17 *FROM ILLICIT ACTIVITIES OF TRAFFICKERS IN PERSONS.—*
 18 *Section 212(a)(2) of the Immigration and Nationality Act*
 19 *(8 U.S.C. 1182(a)(2)) is amended by adding at the end the*
 20 *following new subparagraph:*

21 *“(H) TRAFFICKERS IN PERSONS.—Any*
 22 *alien who—*

23 *“(i) is on the most recent list of traf-*
 24 *fickers provided in section 11 of the Traf-*
 25 *ficking Victims Protection Act of 2000, or*

1 *who the consular officer or the Attorney*
2 *General knows or has reason to believe is or*
3 *has been a knowing aider, abettor, assister,*
4 *conspirator, or colluder with such a traf-*
5 *ficker in severe forms of trafficking in per-*
6 *sons, as defined in the section 3 of such Act;*
7 *or*

8 “(ii) *who the consular officer or the At-*
9 *torney General knows or has reason to be-*
10 *lieve is the spouse, son, or daughter of an*
11 *alien inadmissible under clause (i), has,*
12 *within the previous 5 years, obtained any*
13 *financial or other benefit from the illicit ac-*
14 *tivity of that alien, and knew or reasonably*
15 *should have known that the financial or*
16 *other benefit was the product of such illicit*
17 *activity, is inadmissible.”.*

18 (g) *IMPLEMENTATION.—*

19 (1) *The Secretary of State, the Attorney General,*
20 *and the Secretary of the Treasury are authorized to*
21 *take such actions as may be necessary to carry out*
22 *this section, including promulgating rules and regula-*
23 *tions permitted under this Act.*

24 (2)(A) *Subject to subparagraph (B), such rules*
25 *and regulations shall require that a reasonable effort*

1 *be made to provide notice and an opportunity to be*
 2 *heard, in person or through a representative, prior to*
 3 *placement of a person on the list described in sub-*
 4 *section (b).*

5 *(B) If there is reasonable cause to believe that*
 6 *such a person would take actions to undermine the*
 7 *ability of the President to exercise the authority pro-*
 8 *vided under subsection (a), such notice and oppor-*
 9 *tunity to be heard shall be provided as soon as prac-*
 10 *ticable after the placement of the person on the list de-*
 11 *scribed in subsection (b).*

12 *(h) DEFINITION OF FOREIGN PERSONS.—As used in*
 13 *this section, the term “foreign person” means any citizen*
 14 *or national of a foreign state or any entity not organized*
 15 *under the laws of the United States, including a foreign*
 16 *government official, but does not include a foreign state.*

17 *(i) CONSTRUCTION.—Nothing in this section shall be*
 18 *construed as precluding judicial review of the placement of*
 19 *any person on the list of traffickers in person described in*
 20 *subsection (b).*

21 **SEC. 12. STRENGTHENING PROSECUTION AND PUNISH-**
 22 **MENT OF TRAFFICKERS.**

23 *(a) TITLE 18 AMENDMENTS.—Chapter 77 of title 18,*
 24 *United States Code, is amended—*

1 (1) in each of sections 1581(a), 1583, and
2 1584—

3 (A) by striking “10 years” and inserting
4 “20 years”; and

5 (B) by adding at the end the following: “If
6 death results from a violation of this section, or
7 if under this section the defendant’s acts con-
8 stitute kidnapping or an attempt to kidnap, ag-
9 gravated sexual abuse or the attempt to commit
10 aggravated sexual abuse, or an attempt to kill,
11 the defendant shall be fined under this title or
12 imprisoned for any term of years or life, or
13 both.”;

14 (2) in section 1584—

15 (A) by inserting “(a)” before “Whoever”;
16 and

17 (B) by adding at the end the following new
18 subsection:

19 “(b) For the purposes of this section, the term ‘involun-
20 tary servitude’ includes a condition of servitude induced by
21 means of—

22 “(1) any act, scheme, plan, or pattern intended
23 to cause a person to believe that, if the person did not
24 enter into or continue in such condition, that person

1 or another person would suffer serious harm or phys-
2 ical restraint, or

3 “(2) the abuse or threatened abuse of the legal
4 process.”;

5 (3) by inserting at the end the following new sec-
6 tions:

7 **“§ 1589. Trafficking with respect to peonage, slavery,**
8 **or involuntary servitude**

9 “Whoever knowingly recruits, harbors, transports, pro-
10 vides, or obtains by any means any person in or into a
11 condition that constitutes a violation of this chapter for the
12 purpose of subjecting the person to or maintaining the per-
13 son in such condition shall be fined under this title or im-
14 prisoned not more than 20 years, or both. If death results
15 from a violation of this section, or if under this section the
16 defendant’s acts constitute kidnapping or an attempt to
17 kidnap, aggravated sexual abuse, or the attempt to commit
18 aggravated sexual abuse, or an attempt to kill, the defend-
19 ant shall be fined under this title or imprisoned for any
20 term of years or life, or both.

21 **“§ 1590. Sex trafficking of children or by force, fraud,**
22 **or coercion**

23 “(a) *IN GENERAL.*—Whoever knowingly—

24 “(1) recruits, harbors, transports, provides, or
25 obtains by any means a person; or

1 “(2) benefits, financially or otherwise, from an
2 enterprise in which a person has been recruited, har-
3 bored, transported, provided, or obtained in violation
4 of paragraph (1),
5 knowing that force, fraud, or coercion described in sub-
6 section (c)(2) will be used to cause the person to engage in
7 a commercial sex act, or that the person has not attained
8 the age of 18 years and will be caused to engage in a com-
9 mercial sex act, shall be punished as provided in subsection
10 (b).

11 “(b) *PUNISHMENT*.—An offense under subsection (a) is
12 punishable—

13 “(1) if the offense was effected by force, fraud, or
14 coercion, or if the person transported had not at-
15 tained the age of 14 years at the time of such offense,
16 by a fine under this title or imprisonment for any
17 term of years or for life, or both; or

18 “(2) if the offense was not so effected, and the
19 person transported had attained the age of 14 years
20 but had not attained the age of 18 years at the time
21 of such offense, by a fine under this title or imprison-
22 ment for not more than 20 years, or both.

23 “(c) *DEFINITION*.—In this section:

24 “(1) *COERCION*.—The term ‘coercion’ includes—

1 “(A) any act, scheme, plan, or pattern in-
 2 tended to cause a person to believe that if the
 3 person did not engage in a commercial sex act,
 4 that person or another person would suffer seri-
 5 ous harm or physical restraint, and

6 “(B) the abuse or threatened abuse of law or
 7 the legal process.

8 “(2) *COMMERCIAL SEX ACT.*—The term ‘commer-
 9 cial sex act’ means any sex act, in or affecting inter-
 10 state or foreign commerce, on account of which any-
 11 thing of value is given to or received by any person,
 12 and—

13 “(A) which takes place in the United States;
 14 or

15 “(B) in which either the person who caused
 16 or is expected to participate in the act or the
 17 person committing the violation is a United
 18 States citizen or an alien admitted for perma-
 19 nent residence in the United States.

20 **“§ 1591. Unlawful conduct with respect to documents**
 21 **in furtherance of trafficking, peonage,**
 22 **slavery, or involuntary servitude**

23 “Whoever, without lawful authority, knowingly and
 24 willfully destroys, conceals, removes, confiscates, or possesses

1 *any identification, passport, or other immigration docu-*
2 *ment, or any other documentation of another person—*

3 *“(1) in the course of a violation of section 1581,*
4 *1583, 1584, 1589, 1590, or 1591 or attempt to com-*
5 *mit such a violation,*

6 *“(2) to prevent or restrict the person’s liberty to*
7 *move or travel in order to obtain or maintain the*
8 *labor or services of another, or*

9 *“(3) in the course of the unlawful entry or at-*
10 *tempted unlawful entry of a person into the United*
11 *States, in order to obtain or maintain the labor or*
12 *services of another,*

13 *shall be fined under this title or imprisoned for not more*
14 *than 5 years, or both.*

15 **“§ 1592. Mandatory restitution**

16 *“(a) Notwithstanding section 3663 or 3663A, and in*
17 *addition to any other civil or criminal penalties authorized*
18 *by law, the court shall order restitution for any offense*
19 *under this chapter.*

20 *“(b)(1) The order of restitution under this section shall*
21 *direct the defendant to pay the victim (through the appro-*
22 *priate court mechanism) the full amount of the victim’s*
23 *losses, as determined by the court under paragraph (3) of*
24 *this subsection.*

1 “(2) *An order of restitution under this section shall*
2 *be issued and enforced in accordance with section 3664 in*
3 *the same manner as an order under section 3663A.*

4 “(3) *As used in this subsection, the term ‘full amount*
5 *of the victim’s losses’ has the same meaning as provided*
6 *in section 2259(b)(3) and shall in addition include the*
7 *greater of the gross income or value to the defendant of the*
8 *victim’s services or labor or the value of the victim’s labor*
9 *as guaranteed under the minimum wage and overtime*
10 *guarantees of the Fair Labor Standards Act (29 U.S.C. 201,*
11 *et seq.).*

12 “(c) *As used in this section, the term ‘victim’ means*
13 *the individual harmed as a result of a crime under this*
14 *chapter, including, in the case of a victim who is under*
15 *18 years of age, incompetent, incapacitated, or deceased, the*
16 *legal guardian of the victim or a representative of the vic-*
17 *tim’s estate, or another family member, or any other person*
18 *appointed as suitable by the court, but in no event shall*
19 *the defendant be named such representative or guardian.*

20 **“§ 1593. General provisions**

21 “(a) *An attempt to violate section 1581, 1583, 1584,*
22 *1589, 1590, or 1591 shall be punishable in the same manner*
23 *as a completed violation of that section.*

24 “(b) *The court, in imposing sentence on any person*
25 *convicted of a violation of this chapter, shall order, in addi-*

1 *tion to any other sentence imposed and irrespective of any*
 2 *provision of State law, that such person shall forfeit to the*
 3 *United States—*

4 “(A) *such person’s interest in any property, real*
 5 *or personal, that was used or intended to be used to*
 6 *commit or to facilitate the commission of such viola-*
 7 *tion; and*

8 “(B) *any property, real or personal, constituting*
 9 *or derived from, any proceeds that such person ob-*
 10 *tained, directly or indirectly, as a result of such vio-*
 11 *lation.*

12 “(c)(1) *The following shall be subject to forfeiture to*
 13 *the United States and no property right shall exist in them:*

14 “(A) *Any personal property used or intended to*
 15 *be used to commit or to facilitate the commission of*
 16 *any violation of this chapter.*

17 “(B) *Any property, real or personal, which con-*
 18 *stitutes or is derived from proceeds traceable to any*
 19 *violation of this chapter.*

20 “(2) *The provisions of chapter 46 of this title relating*
 21 *to civil forfeitures shall extend to any seizure or civil for-*
 22 *feiture under this subsection.*

23 “(d) *WITNESS PROTECTION.—Any violation of this*
 24 *chapter shall be considered an organized criminal activity*

1 *or other serious offense for the purposes of application of*
 2 *chapter 224 (relating to witness protection).”; and*

3 *(3) by amending the table of sections at the be-*
 4 *ginning of chapter 77 by adding at the end the fol-*
 5 *lowing new items:*

“1589. Trafficking with respect to peonage, slavery, or involuntary servitude.

“1590. Sex trafficking of children or by force, fraud, or coercion.

*“1591. Unlawful conduct with respect to documents in furtherance of trafficking,
 peonage, slavery, or involuntary servitude.*

“1592. Mandatory restitution.

“1593. General provisions.”.

6 *(b) AMENDMENT TO THE SENTENCING GUIDELINES.—*

7 *(1) Pursuant to its authority under section 994*
 8 *of title 28, United States Code, and in accordance*
 9 *with this section, the United States Sentencing Com-*
 10 *mission shall review and, if appropriate, amend the*
 11 *sentencing guidelines and policy statements applica-*
 12 *ble to persons convicted of offenses involving the traf-*
 13 *ficking of persons including component or related*
 14 *crimes of peonage, involuntary servitude, slave trade*
 15 *offenses, and possession, transfer or sale of false immi-*
 16 *gration documents in furtherance of trafficking.*

17 *(2) In carrying out this subsection, the Sen-*
 18 *tencing Commission shall—*

19 *(A) take all appropriate measures to ensure*
 20 *that these sentencing guidelines and policy state-*
 21 *ments applicable to the offenses described in*
 22 *paragraph (1) of this subsection are sufficiently*

1 *stringent to deter and adequately reflect the heinous nature of such offenses;*

3 *(B) consider conforming the sentencing guidelines applicable to offenses involving trafficking in persons to the guidelines applicable to peonage, involuntary servitude, and slave trade offenses; and*

8 *(C) consider providing sentencing enhancements for those convicted of the offenses described in paragraph (1) of this subsection that—*

11 *(i) involve a large number of victims;*

12 *(ii) involve a pattern of continued and*
 13 *flagrant violations;*

14 *(iii) involve the use or threatened use*
 15 *of a dangerous weapon; or*

16 *(iv) result in the death or bodily injury of any person.*

18 *(3) The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.*

23 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

24 *(a) AUTHORIZATION OF APPROPRIATIONS IN SUPPORT*
 25 *OF THE INTERAGENCY TASK FORCE.—To carry out the*

1 *purposes of sections 4, 5, and 10, there are authorized to*
 2 *be appropriated to the Secretary of State \$1,500,000 for fis-*
 3 *cal year 2001 and \$3,000,000 for fiscal year 2002.*

4 *(b) AUTHORIZATION OF APPROPRIATIONS TO THE*
 5 *SECRETARY OF HEALTH AND HUMAN SERVICES.—To carry*
 6 *out the purposes of section 7(b), there are authorized to be*
 7 *appropriated to the Secretary of Health and Human Serv-*
 8 *ices \$5,000,000 for fiscal year 2001 and \$10,000,000 for*
 9 *fiscal year 2002.*

10 *(c) AUTHORIZATION OF APPROPRIATIONS TO THE SEC-*
 11 *RETARY OF STATE.—*

12 *(1) ASSISTANCE FOR VICTIMS IN OTHER COUN-*
 13 *TRIES.—To carry out the purposes of section 7(a),*
 14 *there are authorized to be appropriated to the Sec-*
 15 *retary of State \$5,000,000 for fiscal year 2001 and*
 16 *\$10,000,000 for fiscal year 2002.*

17 *(2) VOLUNTARY CONTRIBUTIONS TO OSCE.—To*
 18 *carry out the purposes of section 9, there are author-*
 19 *ized to be appropriated to the Secretary of State*
 20 *\$300,000 for voluntary contributions to advance*
 21 *projects aimed at preventing trafficking, promoting*
 22 *respect for human rights of trafficking victims, and*
 23 *assisting the Organization for Security and Coopera-*
 24 *tion in Europe participating states in related legal*
 25 *reform for fiscal year 2001.*

1 (3) *PREPARATION OF ANNUAL COUNTRY REPORTS*
 2 *ON HUMAN RIGHTS.*—*To carry out the purposes of*
 3 *section 4, there are authorized to be appropriated to*
 4 *the Secretary of State such sums as may be necessary*
 5 *to include the additional information required by that*
 6 *section in the annual Country Reports on Human*
 7 *Rights Practices, including the preparation and pub-*
 8 *lication of the list described in subsection (a)(1) of*
 9 *that section.*

10 (d) *AUTHORIZATION OF APPROPRIATIONS TO ATTOR-*
 11 *NEY GENERAL.*—*To carry out the purposes of section 7(b),*
 12 *there are authorized to be appropriated to the Attorney Gen-*
 13 *eral \$5,000,000 for fiscal year 2001 and \$10,000,000 for*
 14 *fiscal year 2002.*

15 (e) *AUTHORIZATION OF APPROPRIATIONS TO PRESI-*
 16 *DENT.*—

17 (1) *FOREIGN VICTIM ASSISTANCE.*—*To carry out*
 18 *the purposes of section 6, there are authorized to be*
 19 *appropriated to the President \$5,000,000 for fiscal*
 20 *year 2001 and \$10,000,000 for fiscal year 2002.*

21 (2) *ASSISTANCE TO FOREIGN COUNTRIES TO*
 22 *MEET MINIMUM STANDARDS.*—*To carry out the pur-*
 23 *poses of section 9, there are authorized to be appro-*
 24 *priated to the President \$5,000,000 for fiscal year*
 25 *2001 and \$10,000,000 for fiscal year 2002.*

1 *(f) AUTHORIZATION OF APPROPRIATIONS TO THE SEC-*
2 *RETARY OF LABOR.—To carry out the purposes of section*
3 *7(b), there are authorized to be appropriated to the Sec-*
4 *retary of Labor \$5,000,000 for fiscal year 2001 and*
5 *\$10,000,000 for fiscal year 2002.*

Attest:

Secretary.

106TH CONGRESS
2D SESSION

H. R. 3244

AMENDMENT

HR 3244 EAS—2

HR 3244 EAS—3

HR 3244 EAS—4

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